

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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OGUNTUNJI ADESOLA,

Plaintiff,

-against-

SPOSATO, individually and [in] his official
capacity as Sheriff of Nassau County, JOHN DOE,
Superintendent of Nassau County jails,

Defendants.

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FEUERSTEIN, District Judge:

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E D N Y

★ MAY 24 2012 ★

LONG ISLAND OFFICE

ORDER

12-CV-1026 (SJF)(WDW)

On February 29, 2012, incarcerated *pro se* plaintiff Oguntunji Adesola ("plaintiff") filed a complaint pursuant to 42 U.S.C. § 1983 against the County of Nassau Sheriff's Department, the Nassau County Correctional Center and "John Does (unknown)" purporting to allege injuries plaintiff allegedly sustained during an assault by fellow inmates. By Order dated March 13, 2012, plaintiff's complaint was *sua sponte* dismissed in part with prejudice and with leave to amend in accordance with the Court's Order. Plaintiff timely filed an amended complaint on April 18, 2012 against the Nassau County Sheriff, Sposato, and Superintendent of the Nassau County Jail, named as "John Doe." Plaintiff's amended complaint wholly abandons the claim originally set forth, and instead complains solely about the alleged "unsanitary and unhealthy conditions" at the Nassau County Correctional Center.

Accordingly, pursuant to the Court's February 13, 2012 Order of Consolidation, the Court has reviewed the instant amended complaint and finds that it relates to the subject matter of the Consolidated Action, *Anderson, et al. v. Sposato, et al.*, 11-CV-5663 (SJF)(WDW). Accordingly, this action shall proceed in accordance with the Order of Consolidation, a copy of which is annexed

hereto.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed.2d 21 (1962).

The Clerk of the Court is directed to mail a copy of this Order and the Order of Consolidation to the *pro se* plaintiff at his last known address.

SO ORDERED.

s/ Sandra J. Feuerstein

Sandra J. Feuerstein
United States District Judge

Dated: May 24, 2012
Central Islip, New York